

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

<b>VONDA NOEL, On behalf of HERSELF</b>	)	
<b>and All Others Similarly Situated,</b>	)	
	)	
<i>Plaintiff,</i>	)	
	)	<b>CLASS AND COLLECTIVE</b>
<b>v.</b>	)	<b>ACTION</b>
	)	
<b>METROPOLITAN GOVERNMENT OF</b>	)	<b>CASE NO. 3:11-cv-519</b>
<b>NASHVILLE AND DAVIDSON</b>	)	
<b>COUNTY, TENNESSEE,</b>	)	<b>JUDGE SHARP</b>
	)	<b>MAGISTRATE JUDGE KNOWLES</b>
<i>Defendant.</i>	)	

**PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE IN OPPOSITION TO  
PLAINTIFF'S MOTION TO REFER CASE TO MEDIATION**

Defendant's assertion that the parties "have already privately mediated the claim that is currently pending before this Court..." is simply not correct. While the parties have participated in a private mediation, that mediation involved negotiations only of Plaintiff's collective action claims under the Fair Labor Standards Act. The parties did not negotiate Plaintiff's pending Rule 23 claim.

Defendant also notes that Plaintiff is free to pursue informal settlement discussions with Defendant at any time. In fact, Plaintiff has attempted to engage in informal settlement discussions. Plaintiff has made a demand at least once on Defendant to resolve this litigation in its entirety, including Plaintiff's pending Rule 23 claim. However, other than receiving a rejection of such demand, Plaintiff has never received a counter proposal to her offer. Because Plaintiff's repeated informal attempts to resolve this litigation have been unproductive, Plaintiff has moved for Court-ordered mediation.

To ensure that the parties are productively exploring all possibilities for resolving this dispute, this Court should order that the parties engage in private mediation with an experienced and skilled mediator.

Dated: July 18, 2014

Respectfully submitted,

/s/ David W. Garrison  
**GEORGE E. BARRETT**  
**DAVID W. GARRISON**  
**SCOTT P. TIFT**  
**SETH M. HYATT**  
BARRETT JOHNSTON MARTIN &  
GARRISON, LLC  
Bank of America Plaza  
414 Union Street, Suite 900  
Nashville, TN 37219  
(615) 244-2202  
gbarrett@barrettjohnston.com  
dgarrison@barrettjohnston.com  
stift@barrettjohnston.com  
shyatt@barrettjohnston.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing *Plaintiff's Reply To Defendant's Response In Opposition To Plaintiff's Motion To Refer Case To Mediation* has been served on the following via the Court's ECF filing system:

**ALLISON L. BUSSELL  
CHRISTOPHER M. LACKEY  
R. ALEX DICKERSON**  
Metropolitan Legal Department  
P O Box 196300  
Nashville, TN 37219

on this the 18 day of July, 2014

/s/ David W. Garrison  
DAVID W. GARRISON  
BARRETT JOHNSTON MARTIN &  
GARRISON, LLC